IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.599 OF 2007

Manohar Shamrao Gandre ...Appellant.

v.

The Thane Municipal Corporation & Anr. ...Respondents.

Mr.S.M.Oak for Sagar Joshi, advs., for the Appellant.

Ms.Deepali Patil for R.S.Apte, advs., for the Respondent No.1.

Shri K.S.Dewal, adv. for the Respondent Nos.2(a) and 2(b).

CORAM: J.H.BHATIA,J.

DATE: 29th November,2007.

P.C.

1. The learned counsel for the plaintiff/appellant and the learned counsel for the respondent no.2/M/s.Vrishabh Enterprises makes a statement before the Court that as per the contract between the plaintiff and the respondent no.2, possession of 700 sq.ft. flat has already been given by the respondent no.2 to the

plaintiff/appellant. The learned counsel for the respondent no.2 makes a statement on behalf of the respondent no.2 that the construction plan has already been sanctioned by the Bombay Municipal Corporation and as per that plan, the respondent no.2 has already made provision for construction on 200 sq.ft. at the ground floor for giving possession to the plaintiff/appellant. Respondent No.2 is willing and undertakes to hand over 200 sq.ft. carpet area at the ground floor (residential) of Shri Vrund Co-operative Housing Society to the plaintiff/appellant. However, at the same time, he also makes a statement that the society has already taken objection about the said structure because it wants the whole of the ground floor area to be reserved for parking. The learned counsel for the appellant/plaintiff seeks to withdraw the appeal in view of the undertaking given by the respondent no.2. Appeal stands disposed off as withdrawn in view of the aforesaid undertaking. However, this undertaking shall be without prejudice the rights of the society in any manner.

(J.H.BHATIA,J.)